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| | | CLERK US DISTRICT COURT DISTRICT OF NEVADA |
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1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 ROBERT BARBER,

7 Defendant.

Case No. 2:20-mj-00895-VCF

FINDINGS AND ORDER

9 Based on the pending Stipulation between the defense and the government, and good
10 cause appearing therefore, the Court hereby finds that:

11 1. The parties desire to continue the preliminary hearing to facilitate pre-
12 indictment resolution. The government has provided defense counsel with Rule 16
13 discovery for that purpose, and the parties are in active plea negotiations. Defense counsel
14 will need additional time to review the discovery and discuss any potential plea offer with
15 his client. The Court finds good cause to continue the hearing to allow the parties to reach a
16 pre-indictment resolution.

17 2. Both counsel for defendant and counsel for the government agree to the
18 continuance.

19 3. Defendant is not in custody and agrees to the continuance.

20 4. The continuance is not sought for the purposes of delay, but to allow defense
21 counsel an opportunity to examine the merits of this case before a potential resolution can
22 be reached between the parties.

1 5. Denial of this request could result in a miscarriage of justice, and the ends of
2 justice served by granting this request outweigh the best interest of the public and the
3 defendants in a speedy trial.

4 6. The additional time requested by this stipulation is excludable in computing
5 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.
6 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the above-captioned matter currently scheduled for July 19, 2021, at 4:00 p.m. be vacated and continued to August 9, 2021 at 4:00 pm in LV Courtroom 3D before Magistrate Judge Cam Ferenbach.

10 DATED this 16th day of July, 2021.

HONORABLE CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE